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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JAN 25 2007

at 9 o'clock and 48 min. P M  
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF Hawai'i

ROBERT SHEREZ,

Plaintiff,

vs.

STATE OF HAWAII DEPARTMENT OF  
EDUCATION; PATRICIA HAMAMOTO,  
Superintendent of Hawaii Schools,  
MEREDITH MAEDA, Principal, Castle  
High School; SARA GRONNAER OR  
GRONNA, Vice Principal of Castle High  
School.

Defendants.

) CIVIL NO. 04-00390 JMS-KSC  
)  
) PLAINTIFF'S CONCISE COUNTER-STATE-  
) MENT OF FACTS IN OPPOSITION TO THE  
) DEFENDANTS MEREDITH MAEDA AND  
) SARA GRONNA 'S MOTION FOR  
) SUMMARY JUDGEMENT & COUNTER-  
) MOTION FOR SUMMARY JUDGMENT;  
) DECLARATION OF PLAINTIFF ROBERT  
) SHEREZ; EXHIBITS 1-4 ;  
)  
) Date of Hearing: Feb. 12, 2007  
) Time: 9:00 AM  
) Judge: Hon. J. MICHAEL SEABRIGHT  
)  
) Trial Date: March 28, 2007  
) CERTIFICATE OF SERVICE  
)

**PLAINTIFF'S CONCISE COUNTER-STATE-MENT OF FACTS IN  
OPPOSITION TO THE DEFENDANTS MEREDITH MAEDA AND SARA  
GRONNA 'S MOTION FOR SUMMARY JUDGEMENT & COUNTER-  
MOTION FOR SUMMARY JUDGMENT**

Comes Now the Plaintiff, ROBERT SHEREZ, by and through his attorney, Andre'

Wooten, hereby files this instant Concise Counter-Statement of Facts in opposition to the

Defendant's Meredith Maeda and Sara Gronna's Motion for Summary Judgment filed December 18, 2007.

### **RESPONSE TO DEFENDANT'S STATEMENT OF FACTS**

1. True.

2. False. Some students are also disciplinary problems and barred from campus due to it. Dec. of Plaintiff para 19,20

3. **False.** Plaintiff was told Sara Gronna made the Decision to deny him work by Ira Ilson and Sara Gronna Herself. Moreover the Defendants have refused to produce the manual or rules that they Now say Sara Gronna was following. Dec. Of Plaintiff 23 24 and 25. Exhibit 1, 2

4. **False.** When Plaintiff learned that Def. Gronna Enforced a gender biased employment practice which Marty Mattison told Plaintiff was the result of a recent law suit between a male tutor and a female student, he called and complained about it to principal Maeda, who was in charge of the Vice Principal making the assignments. Mattison also told Plaintiff that under the new rules an adult must be present for tutoring all students of all ages, not just students below High School age, as in the past. Mattison told Plaintiff he could not get a copy of these "unwritten rules". And Plaintiff has not been assigned a female student to tutor in three years, since filing this complaint. Declaration of Plaintiff, para 19. Exhibits 1, 2

Moreover, the D.O.E.'s own rules call for the most qualified teachers to be assigned first, based upon degree attainment. So, it was not supposed to be a total rotation, and was not administered fairly in any case.

5. True.

6. **False.** Same answer as # 4. In the 2002-2003 year a counselor gave Defendant Gronna an application for a contract for Plaintiff Sherez to tutor a pregnant female student from Castle High School, just as he had for 7 years. Dec. of Plaintiff, para 23, & 24 Ex 1, 2.

**However, Sara Gronna took plaintiff's name off the application.**

Moreover, the State has refused to Produce requested relevant policy and procedure and Home-Hospital tutor contract comparison data, which would support Plaintiff's position.

The duties of Defendant Gronna's predecessor

Ex 1

included making the Castle High Home-Hospital tutor

Ex 1

assignments. Only when the school did not put down a

Recommended tutor on the form would the District Assign one

Just because Defendant Gronna said she forwarded Plaintiff's

Dec. of Plaintiff,  
para 23, 24, & 25.

application or was "instructed" In some unwritten manner,

by the Windward Dept does not automatically make it so.

The State has refused to Produce requested relevant

policy and procedure and Home-Hospital tutor contract

comparison data, which would support Plaintiff's position.

Especially when as here, the State has refused to Produce

requested relevant policy and procedure and Home-Hospital

tutor contract comparison data, which would support Plaintiff's

position.

The D.O.E. established the gender discriminatory

Dec. Of Plaintiff 19,  
23, 24, 25, 26

policy but Sara Gronna carried it out and Marty Mattison admitted

this to Plaintiff.

The particular issue Plaintiff has raised

Dec. Of Plaintiff 19,  
23, 24, 25, 26

is blatant gender discrimination in employment.

Sara Gronna, Marty Mattison and Ira Ilson all told Plaintiff

about this policy. That was the reason Plaintiff was given

when he was removed as a tutor of a Manoa pregnant student.

7. **False.** Plaintiff was told Sara Gronna made the

Dec. Of Plaintiff 23  
24 and 25.  
Exhibit 1 & 2.

Decision to deny him work by Ira Ilson and Sara Gronna

Herself. Moreover the Defendants

have refused to produce the manual or rules that they

Now say Sara Gronna was following.

8. True.

Counselor Ira Ilson gave V.P. Gronna a form  
Appointing Plaintiff counselor for a student,  
who happened to be female, the same as he  
had been doing for years. Ex. 1, 2.

9. False. The duties of Defendant Gronna's predecessor included making the Castle High Home-Hospital tutor

Ex 1 & 2.

assignments. Only when the school did not put down a Recommended tutor on the form would the District Assign one Just because Defendant Gronna said she forwarded Plaintiff's application or was "instructed" In some unwritten manner, by the Windward Dept does not automatically make it so. Therefore, by removing Plaintiff's name, Defendant Gronna, deselecting him from a job the counselor had recommended him for. As Gronna's predecessor had and exercised that selection authority, Gronna possessed it too, but abused it.

Dec. of Plaintiff,  
para 23, 24, & 25.

The State has refused to Produce requested relevant policy and procedure and Home-Hospital tutor contract comparison data, which would support Plaintiff's position. Especially when as here, the State has refused to Produce requested relevant policy and procedure and Home-Hospital tutor contract comparison data, which would support Plaintiff's position.

10. False. See # 9. Gronna removed Plaintiff's name from the application, despite the recommendation of the counselor Ira Ilson, who was familiar with both Plaintiff's qualifications and the student in need of counseling, unlike the Windward District office.

Dec. of Plaintiff  
para 23, 24, & 25.  
Ex. 1 & 2.

11. **False.** This program operated in a discriminatory manner. And Defendant has refused to produce relevant employment records which would corroborate Plaintiff's claims of gender discrimination or prove they were not doing so. Defendants have not provided any documents which prove this is true. Quite the contrary.

Dec. Plaintiff para 18, 23,  
24, 25, 26, 27 Exhibit 1 –  
Ex 2, 3 & 4

12. **False.** This program operated in a discriminatory manner. And Defendant has refused to produce relevant employment records which would corroborate Plaintiff's claims of gender discrimination or prove they were not doing so. Defendants have not provided any documents which prove this is true. Quite the contrary.

Dec. Plaintiff para 18, 23,  
24, 25, 26, 27 Exhibit 1 –  
Ex 2.


The particular issue Plaintiff has raised is blatant gender discrimination in employment. Sara Gronna, Marty Mattison and Ira Ilson all told Plaintiff about this policy. That was the reason Plaintiff was given when he was removed as a tutor of a Manoa pregnant student.



**PLAINTIFF'S CONCISE COUNTER-STATEMENT OF FACTS**  
**IN SUPPORT OF PLAINTIFF'S COUNTER-MOTION FOR SUMMARY JUDGMENT**

13. Plaintiff's equal opportunity for employment was unfairly denied him by Sara Gronna, Castle High School, Helen Sanpei and the DOE. Dec. Plaintiff para 18, 23, 24, 25, 26, 27 Exhibit 1,2
14. Plaintiff was retaliated against for filing this complaint against Sara Gronna, and Castle High School by being limiting his further work by the Windward District and at McKinley School for Adults. Dec. Plaintiff para 18, 23, 24, 25, 26, 27 Exhibit 1
15. Plaintiff was retaliated against for filing this complaint against Sara Gronna and Castle High School by being denied further work by the D.O.E. Adult Education Dept. At McKinley High school, where he taught part time. The McKinley school for Adults principal fired Plaintiff in the middle of his course, stranding the students as well. Dec. Plaintiff para 18, 23, 29
16. Plaintiff had worked at will consistently for over 16 years as a home Hospital tutor until Sara Gronna became responsible for making the tutor assignments for the DOE. Dec. Plaintiff para 18,
17. Plaintiff had worked consistently for over 16 years for the Windward District as a Home Hospital Tutor before making this complaint of gender discrimination. Dec. Plaintiff
18. Plaintiff had worked part-time for the D.O.E. Adult Education Department at McKinley High School complex Until filing this complaint of gender discrimination. Dec. Plaintiff Ex 3 & 4
24. Plaintiff, although vastly experienced and tremendously qualified is the only so qualified teacher enrolled in the D.O.E. Special Education Teacher Certification Program that has not been hired for a full time job. Dec. Plaintiff p 30
25. Plaintiff has been informed that the reason he has not been hired or given just limited employment for any of these jobs is because he filed the instant original complaint of gender discrimination against the DOE. and Sara Gronna. Dec. Plaintiff p 30.

Dated, Honolulu, Hawaii, January 25, 2007.

  
Andre' S. Wooten  
Attorney For Plaintiff ROBERT SHEREZ